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and Indigo Technologies, LLC*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

GENTEX CORPORATION and INDIGO
TECHNOLOGIES, LLC,

Plaintiffs,

THALES VISIONIX, INC.,

Involuntary Plaintiff,

v.

META PLATFORMS, INC. and META
PLATFORMS TECHNOLOGIES, LLC,

Defendants.

Case No. 4:22-cv-03892-YGR

**DECLARATION OF ADAM D. HARBER
IN SUPPORT OF PLAINTIFFS'
MOTION TO FILE UNDER SEAL
PORTIONS OF AND EXHIBITS TO
JOINT MOTION TO DISMISS**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Adam Harber, do hereby declare as follows:

2 1. I am an attorney licensed to practice law in the District of Columbia and admitted pro
3 hac vice in this matter. I am counsel to voluntary plaintiffs Gentex Corporation (“Gentex”) and Indigo
4 Technologies, LLC (“Indigo”) (collectively, “Plaintiffs”). I have personal knowledge of the matters
5 set forth below and if called and sworn as a witness, I could and would testify competently to the facts
6 set forth herein.

7 2. I make this declaration in accordance with Local Rule 7-11(a) and Local Rule 79-5(e)
8 in support of Plaintiffs’ Administrative Motion to File Under Seal Portions of and Exhibits to the Joint
9 Motion to Dismiss.

10 3. Exhibit A to the Joint Motion to Dismiss is a true and correct copy of the settlement
11 agreement (the “Agreement”) signed between Plaintiffs and defendants Meta Platforms, Inc. and Meta
12 Platforms Technologies, LLC (collectively, “Defendants” or “Meta”) on January 9, 2024. Exhibit B
13 to the Joint Motion to Dismiss is a true and correct copy of the term sheet (the “Term Sheet”) signed
14 between Plaintiffs, Defendants, and Involuntary Plaintiff Thales Visionix, Inc. (“Thales”) on
15 December 21, 2023.

16 4. The Agreement and Term Sheet reflect confidential business information of Plaintiffs,
17 including financial terms and details of confidential licensing negotiations. Such details constitute
18 sensitive business information, not publicly available or publicly disclosed, which Plaintiffs maintain
19 in the strictest confidence. To make publicly available these details about Plaintiffs’ licensing
20 activities would cause substantial economic and competitive harm to Plaintiffs.

21 5. Certain portions of the Joint Motion to Dismiss discuss the terms of the Agreement and
22 the Term Sheet. These portions also reflect sensitive business information about Plaintiffs’ licensing
23 practices, disclosure of which would cause substantial economic and competitive harm to Plaintiffs.
24 Plaintiffs have highlighted in yellow the narrowly tailored portions of the Joint Motion that reflect or
25 contain these confidential details.

26 6. I declare under penalty of perjury under the laws of the United States of America that
27 the foregoing is true and correct to the best of my knowledge.
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1 Executed this 12th day of January, 2024 in Washington, D.C.

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3 /s/ Adam D. Harber

4 Adam D. Harber
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